

**Document Information Form**Mine Number: C0070012File Name: INCOMINGTo: PRISCILLA BURTON

From:

Person PATRICK COLLINSCompany NEVADA ELECTRIC INVESTMENT CO.Date Received: SEPTEMBER 26, 2005**Explanation:**

Information Received During A Complete Inspection On September 26, 2005, Concerning  
Certification Of Patrick Collins To Perform Monthly MSHA Pond Inspections.

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cc:

**U. S. Department of Labor**

Mine Safety and Health Administration  
P.O. Box 25367  
Denver, Colorado 80225-0367

Coal Mine Safety and Health  
District 9



JUN 23 2004

Richard Coyle  
President  
Nevada Electric Investment Company (NIECO)  
6226 W. Sahara Avenue  
Las Vegas, NV 89146

RE: Wellington Preparation Plant Area  
Mine ID No. 42-00099  
Clear Water Pond Impoundment  
ID No. 1211-UT-09-00099-02  
Lower Refuse Pond Embankment  
ID No. 1211-UT-09-00099-03  
Upper Refuse Pond Embankment  
ID No. 1211-UT-09-00099-04  
Impoundment Inspection Interval  
Second Notification

Dear Mr. Coyle:

This letter is in response to your letter, dated May 4, 2004, from Patrick D. Collins, Ph.D., Mt Nebo Scientific, Inc. The following issues were addressed by Mr. Collins.

1. **Request to discontinue impoundment inspections until operations resume.** MSHA approved changes to the referenced impounding structures' mandatory inspection intervals on April 14, 2004. Inspection intervals not to exceed 30 days were approved.
2. **Request to use the daily precipitation records as measured at the nearest weather station.** The use of the daily precipitation records measured at the nearest weather station, approximately seven air miles from the mine, is acceptable. A copy of the records must be maintained at the mine.

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OGM PRICE FIELD OFFICE

3. Request to allow Patrick D. Collins, Ph.D. to continue to conduct the mandatory inspections. The mandatory inspections must be conducted by a qualified person, an individual deemed qualified by the Secretary and designated by the operator to make required examinations. Inspections conducted by persons other than a qualified person are violations of 30 CFR 77.216-3(a)(4).

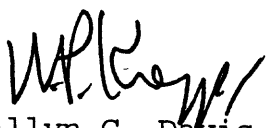
For impoundment inspections, the agency considers a person to be qualified once they have been trained in impoundment inspection procedures and the applicable regulations, and they can demonstrate their proficiency by passing a written examination.

If Mr. Collins desires to be qualified to inspect the impoundments, this office will administer the written examination to determine qualification.

If the structures were modified in a manner to preclude the probability of future impoundment of water, slurry, or sediment, the structures could be abandoned. An abandonment plan must be submitted to the District manager for approval in accordance with 30 CFR 77.216-5(a). Once final abandonment is granted, MSHA inspection and reporting requirements are no longer applicable to those sites.

If you have any questions regarding this letter, please contact Billy Owens, at 303-231-5590, or Kathleen Kelleher, Delta Field Office, at 970-874-7637.

Sincerely,

  
Allyn C. Davis  
District Manager

cc: Patrick Collins

Contractor # 0503836  
Rec'd confirmation  
of qualified impoundment  
inspector 10/15/2004